

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JANYCE H. TILMON-JONES, individually, and in
her capacity as Personal Representative of the
Estate of Abrim Tilmon, Jr.

Plaintiff,
v.

ARMEN BOLADIAN, an Individual; and
BRIDGEPORT MUSIC, INC., a Michigan
corporation,
Defendants.

Case : 5:06-cv-14048
Hon. John Corbett O'Meara
Magistrate: Mona K. Majzoub

BENJAMIN WHITFIELD, JR. &
ASSOCIATES, P.C.
BENJAMIN WHITFIELD, JR. (P23562)
Attorney for Plaintiff
220 Congress, Second Floor
Detroit, MI 48226
(313) 961-1000

KING & BALLOW
RICHARD S. BUSCH (TN BPR#14594)
Attorneys for Defendants
1100 Union Street Plaza
315 Union Street
Nashville, TN 37201
(615) 259-3456

SHARI FRIEDMAN LESNICK (P39746)
Attorney for Defendants, Bridgeport
Music, Inc. and Armen Boladian
30600 Telegraph Road, Suite 3250
Bingham Farms, MI 48025
(248) 646-5511

AFFIDAVIT OF JANE PETERER

I, Jane Peterer, being first duly qualified and sworn, depose and state as follows:

1. I am over the age of 18, have personal knowledge of, and am competent to testify as to, the matters stated herein.

10

2. Jane Peterer Music Corporation (“JPMC”), of which I am the owner and President, is contracted to administer the publishing business of Bridgeport Music Inc. JPMC has been Bridgeport’s administrator for 23 years. JPMC’s books and records pertaining to defendant Bridgeport Music, Inc. are maintained at JPMC’s corporate offices. The corporate offices are located at 29 Church Street, Suite 111, Burlington VT 05401 (and such other off-site storage facilities maintained by JPMC).

3. I have been involved in the music industry and music publishing for my entire professional career, encompassing 50 years of experience. Particularly, I have acted as a publisher of musical compositions, administrator of catalogs of musical compositions, owner of a company which releases sound recordings, general manager and producer for record companies, and even musical book publisher during this time. Through my experiences with these companies, licensing compositions and recordings, collecting royalties and analyzing financial information related to royalties detained from the exploitation of intellectual property, I have become familiar with the industry practices by record companies, publishers, administrators, and performing rights organizations as well as the identities of many of the different companies participating in the music industry.

4. I work with a special, very complex software program, entitled “Music Maestro,” designed by an English company for music publishers and record labels, and maintained and/or serviced by the company to keep the program up-to-date. The program is designed to calculate and distribute royalties to the parties concerned according to their respective shares of the composition.

5. Every semester we input each statement from record labels, film companies, television companies or other revenue sources that we receive during that particular semester. A semester

P

is a six-month period ending June 30 or December 30 of the calendar year. Each statement may contain one, many or, in some instances, hundreds of compositions. The statements indicate the net sales, the royalty accounted for (positive and/or negative) and the total for the statement.

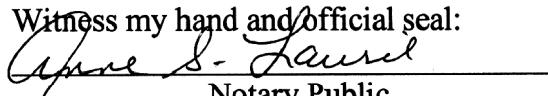
6. At the conclusion of each semester accounting period, JPMC clients' source documentation is stored in an off-site warehouse facility. If JPMC needs to retrieve source documentation, I have to shut down my entire business operation. In addition to myself, JPMC employs one other person who handles office administration.
7. I retrieved from JPMC's warehouse facilities Bridgeport Music, Inc.'s MPCS source documents (royalty distribution statements covering the period of 2002 through 2005). These documents were shipped to King & Ballow.
8. During the later part of 2006 my computer program system was undergoing updating servicing in the United Kingdom. This prevented JPMC from completing client 2006 statements in our usual time frame. Therefore, 2006 statements for JPMC clients have not yet been completed.

I declare under penalty of perjury that the foregoing is true and correct. Executed this ____ day of April 12th 2007 at Burlington, Vermont.


Jane Peterer

State of Vermont)
) ss
County of _____)

On April 12, 2007, before me, personally appeared Jane Peterer, proved to me, on the basis of satisfactory evidence, to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed same with full authority.

Witness my hand and official seal:

Anne S. Laurel
Notary Public
My Commission Expires: 2-10-2011